IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 26TH MARCH 2007 / 5TH CHAITHRA 1929

WP(C).No. 7476 of 2004(M)

PETITIONER:

K.K.KUMARI, W/O.LATE P.CHAMY, PATTERI
ALUKKAL HOUSE, NELLANKARA DESOM, NETTISSERY
VILLAGE, THRISSUR.

BY ADV. SRI.GEORGE VARGHESE(PERUMPALLIKUTTIYIL)

RESPONDENTS:
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1. THE CIRCLE INSPECTOR OF POLICE,
EAST POLICE STATION, TRICHUR.

2. THE SUPERINTENDENT OF POLICE, TRICHUR.

3. DIRECTOR GENERAL OF POLICE, KERALA
STATE, THIRUVANANTHAPURAM.

4. STATE OF KERAL REPRESENTED BY
CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM..

BY ADV.SMT.SMITHA, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE JUDGMENT DATED 5/10/2001 IN O.P.No. 29049/2001 OF THE HON'BLE HIGH COURT OF KERALA.

// TRUE COPY //

PA TO JUDGE

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 7476 of 2004

Dated, this the 26th day of March, 2007

J U D G M E N T

This WPC is filed by the petitioner alleging that the investigation done on the murder of her husband is not proper. Petitioner's husband died of cyanide poisoning on 24/8/2001 and one Gangadharan was charge sheeted under Sec.302 of the IPC. The police case is that the accused mixed cyanide in liquor and the victim drank that liquor, leading to his death. The main allegation is that the source of the poison, motive if any etc. are not seriously investigated. The learned Government Pleader reported that Superintendent of Police at the suggestion of the Prosecutor got the matter enquired into by the same Investigating Officer and on being found that final report is properly submitted to Court, he closed the matter. Even though motive may not be a necessary ingredient to establish charge against the accused, investigation is called for about possibility of the motive. Besides this, the poison said to be used is cyanide, which is rarely available, and access to it is also not easy.

Therefore source of poison for the accused is a very important matter, which will support the prosecution case. Since the trial has not been commenced, I feel further enquiry by a higher level police official is called for in the matter under Sec. 173(8) Cr.PC. In the circumstance, this WPC is disposed of with a direction to the 2nd respondent to depute a Deputy Superintendent of Police to conduct investigation under Sec. 173(8) of the Cr.PC and file report to the Court within two months from the date of receipt of a copy of the judgment by the 2nd respondent. I make it clear that Dy.SP authorized by the 2nd respondent for the investigation shall also enquire into the above matters. Further I make it clear that the enquiry ordered herein should not be misinterpreted by Trial Court as finding about sufficiency of material adduced by prosecution for entering conviction.

This W.P.(C) is disposed of as above.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

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